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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/008,831	11/13/2001	Anna M. Arellano-Payne	40655.5600	8586

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EXAMINER
DAS, CHAMELI

ART UNIT	PAPER NUMBER
2192	

DATE MAILED: 10/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
	10/008,831	ARELLANO-PAYNE ET AL.
Office Action Summary	Examiner	Art Unit	
	CHAMELI C. DAS	2192	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *amendment filed on 7/21/05*.
2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-10,13 and 14* is/are pending in the application.
    4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) *1,2,5-10,13 and 14* is/are rejected.
7)☒ Claim(s) *3 and 4* is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.
10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a)☐ All   b)☐ Some * c)☐ None of:
       1.☐ Certified copies of the priority documents have been received.
       2.☐ Certified copies of the priority documents have been received in Application No. _____.
       3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.
4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.
5)☐ Notice of Informal Patent Application (PTO-152)
6)☐ Other: _____.

1.   This action is in response to the amendment filed on 7/21/05.

2.   Claims 1, 3-4, 7, 9-10, and 14 have been amended.

3.   Claims 11-12 have been canceled.

4.   Claims 1-10, and 13-14 are pending.

Specification

5.   The use of the trademark "Java" has been noted in this application (page 2, line

20). It should be capitalized wherever it appears and be accompanied by the

generic terminology.

Although the use of trademarks is permissible in patent applications, the

proprietary nature of the marks should be respected and every effort made to prevent

their use in any manner which might adversely affect their validity as trademarks.

Oath/Declaration

6.   The Oath/Declaration is defective because it does not identify the city and either
state or foreign country of residence of each inventor. The residence information may
be provided on either on an application data sheet or supplemental oath or declaration.

Claim Rejections - 35 USC § 101

7.   35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of
matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the
conditions and requirements of this title.

Claim 1 is rejected under 35U.S.C. 101 because the claimed invention is directed

to non-statutory subject matter.

Claim 1 is rejected under 35U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The language of the claims raise a question as to whether the claim is directed merely to an abstract idea that is not tied to a technological environment or machine which would result is a practical application producing a concrete, useful and tangible result to form the basis of statutory subject matter under 35 U.S.C. 101. These claims require the addition of tangible hardware elements to provide tangible results.

Claim Rejections - 35 USC § 103

8.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

9.   Claims 1-2, 5-6, 9-10, 13-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pettus, US 5,499,343 and further in view of Noy, US 6,795,851

-       ***Creating a first plurality of request message on a first computing platform for information located on a second computing platform*** (Abstract, Fig 15A, col 4, lines 49-59, "for implementing communication between application programs residing in client and server nodes ... server node"), where "client node" and "server node" are the "first computing platform" and "second computing platform", the request is the message is shown in (col 4 lines 60-66)

- ***formatting said request ...data stream*** (col 10 lines 43-65)

- ***translating ... data stream*** (col 17, lines 37-49, col 10 lines 43-65) and (col 9 lines 40-67), where "NSF interface formats the request" is "translating the request message at the first computing platform and , where the "request is formatted" means the request message is translated as claimed

- ***transmitting ... computing platform*** (col 9 lines 61-67 and col 10 lines 1-2, "The service requests are transferred from the CSF interface 630 to the object oriented NSF interface 640 as indicated schematically by arrow 635. As will also be described in detail herein, the NSF interface formats the requests and otherwise completes the transport path between the client node 610 and server node 650. Thereafter, the requests are forwarded to network adapter 645, as indicated by arrow 42, and over communication channel 648 to the server node 650.")

- ***translating the second computing platform (col 10, lines 3-10,*** "At the server 650, the remote RPC request is received at the network adapter 85 and passed to the NSF interface 680, as indicated by arrow 682. The NSF interface 680 ***reformats the request*** and forwards it to the CSF interface 670, as indicated by arrow 675. In response to the RPC, the CSF interface 670 directs the request to an application program 652 for execution of the service"), ***where reformats the request is "translating the translated request" as claimed.*** The server responses the request (col 10, lines 7-9 and col 10 lines 33-37) indicates the format readable by the second platform.

   - ***Parsing said translated request ... messages (col 4 lines 60-67)***

Pettus discloses the system provides object oriented environment (col 9 lines 54-56) that is independent of any class and protocol (col 14 lines 1-15). Pettus does not specifically disclose the " translate the message into platform independent language". However, Noy (US 6,795,851) discloses "translate the message into platform independent language" (Noy, col 2, lines 46-54), where the requests are translated into the Java script, and Java is a platform independent language. The modification would be obvious because one of the ordinary skill in the art would be motivated to provide an environment which is suitable for distributed network applications which has different types of computers and platforms.

> ***As per claim 2,*** Pettus discloses the system provides object oriented environment (col 9 lines 54-56) that is independent of any class and protocol (col 14 lines 1-15). Pettus does not specifically disclose a formatting markup language. However, Noy discloses the mark up language (Noy col 7, lines 22-25). The modification would be obvious because formatting markup language lets developers and designers create customized tags that offer greater flexibility in organizing and presenting information in the Web.

As per claim 5, Pettus does not specifically disclose HTTP. However, Noy discloses HTTP (col 7, lines 21-25). The modification would be obvious because one of the ordinary skill in the art would be motivated to transport request and response between the distributed client and server used on the Web.

As per claim 6, the background section of Pettus discloses secure transmission

(Pettus, col 3 lines 60-62), where "reliable" data transport between client and server"

indicates the secure transmission. Noy discloses HTTP transmission (Noy col 7 lines

21-25). The modification would be obvious because one of the ordinary skill in the art

would be motivated to provide a reliable environment for data transmission between

networks.

Regarding claim 9 (Pettus, col 12, lines 21-34).

Regarding claim 10, see the rejection of claim 1 above.

Regarding claim 13, (Pettus, col 6 lines 20-45) and (Noy col 7, lines 22-25).

As per claim 14, Pettus discloses:

- Creating a plurality of request message (Abstract, col 4, lines 49-59, col 9,

    lines 50-60, col 17, lines 1-10)

- parsing ... information (abstract, lines 4-8), where service requests are in

    different field like communications, printing etc. (col 8, lines 55-63), the

    service requests format and reformat (col 10, lines 3-10, *column 17, lines 41-*

    42) inherently including parsing the request as claimed.

Pettus does not specifically disclose mark up language format. However, Noy

discloses the mark up language format (Noy col 7, lines 22-25). The modification

would be obvious because formatting markup language lets developers and designers

create customized tags that offer greater flexibility in organizing and presenting

information in the Web.

10.   *Claims 7-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over*

Pettus, US 5,499,343 and further in view of Nakagawa et al (US 6,530,025)

As per claim 7, Pettus discloses transmitting steps uses protocols. Pettus does

not specifically disclose *authentication information for access as claimed.* However,

Nakagawa discloses authentication information for access as claimed (Nakagawa, col

3, lines 48-55, col 4, lines 6-36). The modification would be obvious because one of the

ordinary skill in the art would be motivated to provide a reliable environment for data

transmission between networks.

As per claim 8, Pettus discloses transmitting steps uses protocols. Pettus does

not specifically disclose *authentication information comprises a user identification and a*

password. However, Nakagawa discloses authentication *information comprises a user*

identification and a password. (Nakagawa, col 4, lines 6-26). The modification would

be obvious because one of the ordinary skill in the art would be motivated to provide a

secure and reliable environment for data transmission between networks.

Allowable Subject Matter

11.   Claims 3-4 are objected to as being dependent upon a rejected base claim, but

would be allowable if rewritten in independent form including all of the limitations of the

base claim and any intervening claims.

12.   The prior art made or record and not relied upon is considered pertinent to

applicant's disclosures.

TITLE: Method and apparatus for data item movement between disparate sources and

hierarchical, object-oriented representation, US 6499036 B1

TITLE: Message-based leasing of resources in a distributed computing environment,

US 6917976 B1

TITLE: Mechanism and apparatus for returning results of services in a distributed

computing environment, US 6868447 B1

TITLE: Attribute dictionary in a business logic services environment, US 6601234 B1

TITLE: Stream-based communication in a communication services patterns, US

6606660 B1

TITLE: Digital subscriber line server system and method for dynamically changing bit

rates in response to user requests and to message types, US 6374288 B1

TITLE: Mapping SNA session flow control to TCP flow control, US 6192411

TITLE: Coordinated application monitoring in a distributed computing environment, US

6760903 B1.

13.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Chameli Das whose telephone number is 571-272-3696.

        The examiner can normally be reached on Monday-Friday from 7:00 A.M. to 3:30

P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor Tuan Dam can be reached at 571-272-3695. The fax number for this group is (571) 273-8300.

An inquiry of general nature or relating to the status of this application or proceeding should be directed to the group receptionist whose telephone number is 571-272-2100.

CHAMELI C. DAS
PRIMARY EXAMINER
10/12/05